

RECORDKEEPING REQUIREMENTS: WHAT DO I HAVE TO KEEP AND FOR HOW LONG?

by

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I. TITLE VII AND AMERICANS WITH DISABILITIES ACT

- A. One Year From The Date The Record Is Made Or The Personnel Action Is Taken, Whichever Is Later (29 C.F.R. § 1602.14)**
- B. Two Years From Date Application Is Received Or The Period Of The Apprenticeship, Which Either Is Longer (29 C.F.R. § 1602.20 (b))**

II. AGE DISCRIMINATION IN EMPLOYMENT ACT

- A. Three Years From the Date Last Entry Was Made in File. Federal Contractors Must Retain From Three Years of the End of the Contract. (29 C.F.R. § 1627.3)**
- B. One Year From The Date Action Was Taken (29 C.F.R. § 1627.3)**
- C. Duration of Plan**

III. EMPLOYEE POLYGRAPH PROTECTION ACT

- A. Three Years From Date of Test (29 C.F.R. § 801.30)**

IV. EQUAL PAY ACT

- A. Three Years From Date of Last Entry in File. Federal Contractors Must Retain From Three Years Of The End Of The Contract (29 C.F.R. § 1620.32)**

V. EXECUTIVE ORDER 11246: AFFIRMATIVE ACTION

- A. No Specified Period (41 C.F.R. § 60 -1.7)**

VI. FAIR LABOR STANDARDS ACT

- A. Three Years From the Date the Record is Made or the Personnel Action is Taken, Whichever is Later (29 C.F.R. § 516.5)**
- B. Two Years From Last Date Of Entry (29 C.F.R. § 516.6)**

VII. FAMILY AND MEDICAL LEAVE ACT

- A. Medical Records**

VIII. IMMIGRATION REFORM AND CONTROL ACT

- A. Longer of Three Years From Hire or One Year From Termination**

IX. PREVAILING WAGE ACTS

- A. Davis-Bacon Act**
- B. Service Contract Act of 1965**
- C. Walsh-Healy Public Contracts Act**

X. NATIONAL LABOR RELATIONS ACT (NLRA)

- A. Indefinitely**

XI. OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)

- A. Five Years From The End Of The Calendar Year In Which The Record Was Made (29 C.F.R. § 1904.6)**
- B. Records To Be Retained As Long As Person Is Employed By The Employer Plus Thirty (30) Years.**
- C. Depending On The Test, Forty (40) Years Or the Duration of Employee's Employment Plus Twenty (20) Years After Employee is Employed by Employer, Which Either Is Longer, Or Thirty (30) Years Past The Employee's Tenure With The Employer.**

XII. REHABILITATION ACT OF 1973

- A. Two Years = Employers with \$150,000 or more in government contracts per year and 150 employees or more,**

and

**One Year = Employers with less than these threshold amounts
(41 C.F.R. § 60 - 741.80)**

XIII. VIETNAM-ERA VETERANS READJUSTMENT ASSISTANCE ACT

- A. One Year**
- B. Indefinitely**

XIV. MISCELLANEOUS RECORDKEEPING REQUIREMENTS

- A. COBRA**
- B. EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) OF 1974**
- C. FEDERAL INSURANCE CONTRIBUTION ACT (FICA), FEDERAL UNEMPLOYMENT TAX ACT (FUTA), AND FEDERAL INCOME TAX WITHHOLDING**
- D. State Laws**

XV. EEOC FORMS

- A. Indefinitely Retained**

XVI. POSTING REQUIREMENTS

- A. In General**
- B. Must Be Displayed In A Conspicuous Place For Viewing By Employees And Job Applicants.**
- C. Must Be Displayed In A Conspicuous Place For Viewing By Employees**



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Business First's 20 People To Know In HR
CEO Magazine's 2008 Human Resources "Superstar"
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Scott Warrick combines the areas of law and human resources to assist organizations in **"Solving Employee Problems BEFORE They Happen."** Scott uses his unique background of **LAW** and **HUMAN RESOURCES** to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical and entertaining style.

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are favorites for anyone wanting to learn Employment Law and run an HR Department.

Scott's academic background and awards include:

Capital University College of Law (Class Valedictorian (1st out of 233))

Master of Labor & Human Resources and B.A. in Organizational Communication: The Ohio State University

The Human Resource Association of Central Ohio's Linda Kerns Award for Outstanding Creativity in the Field of HR Management and the Ohio State HR Council's David Prize for Creativity in HR Management

For more information on Scott, just go to www.scottwarrick.com